

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**TERENCE TRAMAIN ANDRUS,
Petitioner,**

v.

**BOBBY LUMPKIN,
Director, Texas Department of
Criminal Justice, Correctional
Institutions Division,
Respondent.**

Civil Action No. H-19-CV-717

CAPITAL CASE

**ADVISORY REGARDING STATUS OF FEDERAL HABEAS
PROCEEDINGS**

Petitioner Terence Andrus files this advisory to update this Court regarding the status of his federal habeas proceedings. Mr. Andrus filed his Petition for Writ of Habeas Corpus on February 13, 2020. ECF No. 11. On July 2, 2020, this Court entered an order staying and administratively closing Mr. Andrus's federal habeas proceedings "until the conclusion of Andrus' state court proceedings" that were pending at that time in the Texas Court of Criminal Appeals ("CCA") after his case was remanded by the United States Supreme Court. Undersigned counsel does not represent Mr. Andrus in his state court proceedings.

On May 19, 2021, the CCA entered a 5-4 opinion denying Mr. Andrus relief. *Ex parte Andrus*, __ S.W.3d __, 2021 WL 2009580 (Tex. Crim. App. 2021). Mr. Andrus's state habeas counsel, Gretchen Sween, informed undersigned counsel that she will

be filing a petition for writ of certiorari to the Supreme Court regarding the CCA's May 19, 2021, decision. That petition is due on or before October 16, 2021.¹

In light of the above, undersigned counsel contacted Katherine Hayes, attorney of record for the Respondent in this matter. The parties have conferred and agree to the following regarding this Court's order pertaining to the conclusion of Mr. Andrus's state court proceedings. Mr. Andrus will 1) file an advisory with this Court notifying it of the resolution of Mr. Andrus's forthcoming Supreme Court petition once that occurs, and 2) the parties will confer and submit a joint scheduling order within two weeks of the Supreme Court resolving that forthcoming petition.

Furthermore, undersigned counsel uses this advisory to inform this Court that it will be filing a motion to substitute counsel in the near future in this case. Undersigned counsel has identified an out-of-state Federal Defender's Office that is willing to substitute in as counsel pending necessary administrative approval steps, if such a motion is granted by this Court. However, those administrative approval steps must be completed prior to that substitution motion being filed, which will take approximately three to four weeks. Once that administrative process is completed, the undersigned counsel will file a formal substitution motion outlining the reasons and requesting a ruling on the motion at that time. In light of the current advisory being filed, undersigned counsel is informing this Court of the forthcoming motion at this time.

¹ On March 19, 2020, the Supreme Court entered an order extended the filing deadline for a petition for writ of certiorari to 150 days from the date of the lower court judgment.

Respectfully submitted,

JASON D. HAWKINS
FEDERAL PUBLIC DEFENDER

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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

On June 14, 2021, a copy of the foregoing was served upon the Office of the Texas Attorney General via the CM/ECF e-filing system.

/s/ Jeremy Schepers
Jeremy Schepers